

Affidavit – James Barton 2 (May 15, 2008)

James Barton
Affidavit
RANGE VISIT TRACER TEST

BEFORE ME, the undersigned Notary, Wendy Seymour, on this 14th day of May, 2008, personally appeared James Barton, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

After inspecting the FBI range facility on Monday, April 28
I made the following report:

Conclusions

Bullets are leaving the shoot house on the edge of the bluff and may present an endangerment to adjacent properties.

Evidence of ricochets in the south fence separating the range from Foss Park, including multiple embedded fragments and a bullet lying at the base of the fence, support my previous conclusion that the bullets I found in Foss Park on March 26, 2008 were the result of ricochets from the range.

A lack of sufficient onsite buffer property required to establish a safe exclusion zone for ricocheted bullets and bullet fragments makes this site unsuitable for live-fire training operations.

This facility should therefore be relocated to a site with enough land to maintain a safe exclusion zone for ricochets, and one which does not involve a body of water as an impact area.

Upgrading the current facility is not feasible. For instance while replacing the face of the earthen impact berm with a layer of modern energy absorbing material will reduce the number of ricochets leaving the range, it does nothing to prevent ricochets bouncing off hard surfaces in front of it or stopping errant rounds from going over.

The full enclosure of all weapons discharge areas is not recommended. While this would eliminate stray and ricochet bullets from escaping the range, it does nothing to eliminate lead contaminated soils and associated surface water run off from entering Lake Michigan.

Observations:

1. The facility appears well organized and efficient. This report addresses the impact of the range on adjacent properties.
2. Stray and ricochet lead bullets and high velocity bullet fragments discharged from this facility present a danger to persons on the adjacent property to the north, south, and eastern shoreline, and results in discharges into Lake Michigan.
3. Bullets discharged from this facility into Lake Michigan occurs directly over two potable water intake cribs that supply drinking water to the City of North Chicago.
4. Lead bullets and high velocity fragments are imbedded in wooden protective fences and barricades on both the north and south range from top to bottom, an indication that higher ricochets would be leaving the facility.
5. A large earthen berm on the south section of the range appears well maintained, while the northern section of the range has a smaller, less maintained earthen berm.
6. The north section of the range utilizes a large steel bulwark housing the mechanism used to stage and reset round steel plate knock down targets, and steel pivot mounts for paper targets.

Stored in the immediate area of the north section of the range are several free-standing steel plate targets of various sizes and shapes. The grass foreground in front of the target area is slightly irregular as are some of the steel bases attached to the free-standing steel plate targets.

The ability of the flanking protective walls, therefore, to contain ricochets from ad hoc placement of moveable steel plate targets is highly variable and dependant on their angle of placement.

7. The south section of the range has a flat grass covered foreground interlaced with concrete walkways at marked distances from which shooters discharge their weapons.

Directly in front of the steel target stands on the south range section is a grass covered concrete slope leading up to the top of a pair of wooden rail road ties used to shield the bottom portion of the vertical metal stand supporting the steel target mounts; the majority of the vertical support stand above the rail road ties is protected with a reinforced V shaped deflector plate assembly.

Despite an attempt to cosmetically conceal evidence of numerous bullet strikes on some exposed metal surfaces, bullet strikes were still visible; bullet strikes were also observed on concrete walkway surfaces, railroad ties, steel deflector plates, and various other metal appendages located in front of the earthen impact berm.

8. Behind the earthen impact berm are two large structures known as shoot houses, which are used for live fire tactical training; the northern structure appears brand new and unused, while the southern structure appears to have been used extensively in the past.
9. The roofs of both shoot houses are raised several feet above the outer most walls, providing an unrestricted 360° escape vector for projectiles emanating from within. The metal roof of the southern shoot house currently in use reflects the velocity of these projectiles, as both the east and west slope bear numerous holes through which daylight can be seen.*

*Note: Even the frangible bullets in use at the southern shoot house are lethal projectiles; some penetrate multiple layers of 1/2 inch plywood, and may turn to dust only after hitting a steel plate or concrete surface.

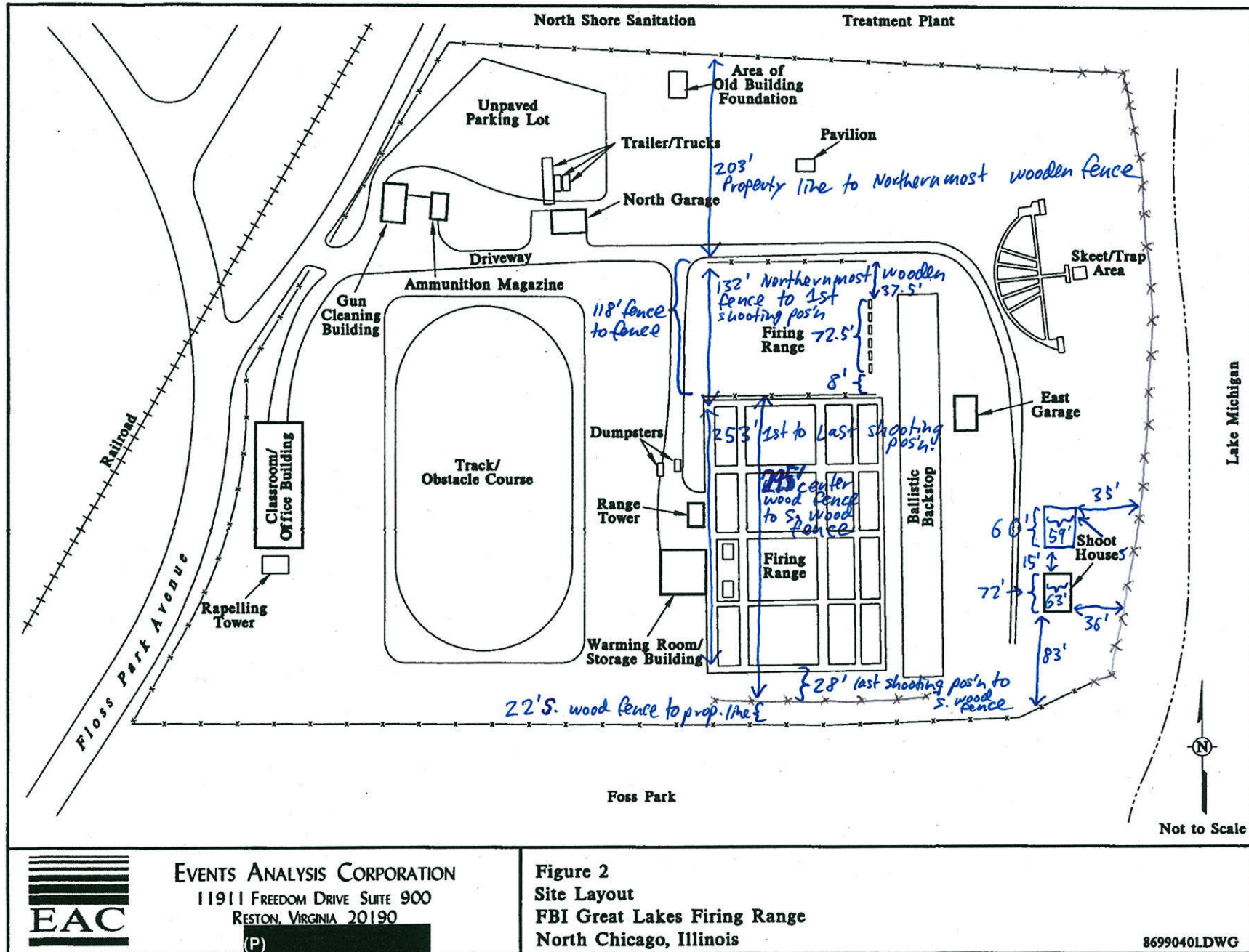
Results of the tracer test:

While preparing my weapons for the live fire test using tracer ammunition, I was informed by the defendant's attorney that contrary to what had been previously arranged, my shots were only to be fired onto the paper targets provided; that under no circumstances was I to intentionally fire off target.

This resulted in all my shots being directed onto the freshly groomed face of the earthen berm, and away from objects prone to

create ricochets when hit, such as concrete walkways, rail road ties, reinforced steel deflector plates, metallic support structures, and fixed or free standing plate steel targets, all of which showed clear evidence of a large number of bullet strikes over a sustained period of time.

The purpose of this test was to give a visual indication as to where bullets traveled after striking various exposed hard surfaces down range. The restrictions imposed by defendants substantially reduced the value of the test and together with the wet conditions that day, no ricochets were observed.



FBI001927



Ricochet area based on NSSD worker being struck and equal area mirrored onto Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Bullet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Bullet on ground inside south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet on inside of south fence near Foss Park



Ricochet plates near south fence



Ricochet plates and target holders showing indications of having been struck



Shoot house



Shoot house with holes in roof



Shoot house with holes in roof



Shoot house with holes in roof



Shoot house with holes in roof



Railroad tie with ricochet mark



Railroad tie with ricochet mark



Railroad tie with ricochet mark



Looking towards berm



Looking at shotgun range with lake in background



Foss Park to left, south fence to right



On top of berm facing Foss Park



Looking up towards shoot house



Looking towards North Shore Sanitary District



On top of berm looking towards NSSD



On lake side of berm looking towards Foss Park



Knock down targets on north range



North range



Ricochets in north range fence



Ricochets in north range fence



Ricochets in north range fence



Ricochets in north range fence

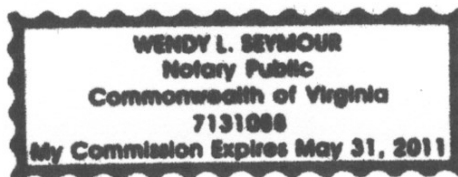


Ricochet marks in lower right ricochet plates
Picture from 2006 FBI Chicago Facility Lead
Recovery Project. Bates Stamped FBI001023



Ricochet plates showing indication of patching
and painting. Picture from April 28, 2008 range visit

James Barton
[signature of affiant]



Fill in here name/address

JAMES VAUGHN BARTON

P.O. BOX 14003 NORFOLK, VA 23518

Subscribed and sworn to before me, this 15 [day of month] day of May
[month], 20 08.

[Notary Seal:]

Wendy L. Seymour
[signature of Notary]

Wendy L. Seymour
[typed name of Notary]

NOTARY PUBLIC

My commission expires: May 31, 20 11.